26th Congress, 1st Session. Doc. No. 168. Ho. of Reps. Treas. Dept.

MINT OF THE UNITED STATES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A report of the Director of the Mint, in relation to the value of certain gold and silver coins, specified in the acts of Congress of April 10, 1806, *and June* 28, 1834.

April 7, 1840.

Read, and laid upon the table.

Treasury Department,
April 6, 1840.

Sir: In compliance with the provisions of the second section of the act of Congress of June 25, 1834, entitled "An act regulating the value of certain foreign silver coins within the United States," and the second section of the act of June 28, 1834, entitled "An act regulating the value of certain foreign gold coins within the United States," I have the honor to enclose a copy of a statement from the Director of the Mint at Philadelphia, showing the result of the assays made at the Mint, of the coins referred to in those acts.

I beg leave to call the attention of Congress to the fact, as appears by this statement, that the gold coins of Great Britain, Portugal, and Brazil, are not equal in fineness to the standard for the gold coins of the United States; and it being assumed by the act of the 28th June, 1834, above referred to, that those coins are twenty-two carats fine, they are virtually overvalued, and pass current for more than their intrinsic worth.

I have the honor to be, very respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

The Hon. the Speaker
of the House of Representatives.

Mint of the United States,
April 2, 1840.

Sir: I have the honor to submit the following report of the fineness, and value by weight, of certain gold and silver coins specified in the acts of Congress of April 10, 1806, and June 28, 1834.

Blair & Rives, printers.

Gold coins.

	Fineness in thousandths.	Value per dwt.
Great Britain, sovereign	915.5	cts. 94.62
France, pieces of 40 and 20 francs	899	92.92
Spain, doubloon and parts	866	89.51
Mexico, do.	866	89.51
Peru, do.	868	89.71
Chili, do.	868	89.71
Colombia, doubloons of Bogota	870	89.92
" do. of Popoyan	858	88.68
New Grenada, doubloons, 1837–'38	871	90.02
Bolivia, do.	870	89.92
Central America, do.	830	85.79
La Plata, do.	815	84.24
Portugal, johannes and half	914	94.46
" crown (of 5,000 reis) and half, since 1838	914	94.46
Brazil, piece of 6,400 reis, of 1838	914	94.46

Silver coins.

	Fineness in thousandths.	Value per oz.
Spain, dollar of the peninsula	900	cts. 116.36
" pillar-dollar of Spanish America	898	116.10
France, crown, (ceased to be coined in 1793)	909	117.53
" five-franc piece	900	116.36
Mexico, dollar, average of various mints, and in the proportion usually presented here	897	115.97
Peru and North and South Peru, dollar	901	116.49
Chili, dollar	906	117.13
Central America, dollar	896	115.84
Brazil, restamped dollar of 960 reis	898	116.10

Very respectfully, your faithful servant,

R. M. PATTERSON,
Director of the Mint.

Hon. Levi Woodbury,
Secretary of the Treasury.

26th Congress, 1st Session. | Doc. No. 169. | Ho. of Reps. Executive.

MAINE AND NEW BRUNSWICK.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

The information required by the resolution of the House of Representatives of the 9th ultimo, in relation to the arrangement entered into between the Governor of Maine and the Lieutenant Governor of New Brunswick, in the month of March last, &c., &c.

April 7, 1840.

Referred to the Committee on Foreign Affairs.

Washington City, *April* 3, 1840.

Sir: In compliance with a resolution of the House of Representatives of the 9th ultimo, I communicate herewith, accompanied by a report from the Secretary of War, "copies of the arrangement entered into between the Governor of Maine and Sir John Harvey, Lieutenant Governor of New Brunswick, through the mediation of Major General Scott, in the month of March last, (1839,) together with copies of the instructions given to General Scott, and of all correspondence with him relating to the subject of controversy between the State of Maine and the Province of New Brunswick."

Very respectfully, your most obedient servant,

M. VAN BUREN.

Hon. R. M. T. Hunter,
Speaker of the House of Representatives.

War Department, *April* 3, 1840.

Sir: I regret that circumstances, of the nature of which you are aware, have prevented an earlier compliance with your instructions to lay before you "copies of the arrangement entered into between the Governor of Maine and Sir John Harvey, Lieutenant Governor of New Brunswick, through the mediation of Major General Scott, in the month of March last, (1839,) together with copies of the instructions given to General Scott, and of all correspondence with him relating to the subject of the controversy between the State of Maine and the Province of New Brunswick," which you are requested by a resolution of the House of Representatives, of the 9th ultimo, to communicate to that body.

Blair & Rives, printers.

The papers referred to, numbered from 1 to 11, inclusive, are herewith respectfully submitted.

Very respectfully, your most obedient servant,

J. R. POINSETT.

To the PRESIDENT *of the United States.*

No. 1.

WAR DEPARTMENT, *February* 28, 1839.

SIR: You will proceed to the northeastern frontier and assume the command there.

On your route you will place yourself in communication with the Governor of the State of Maine, and inform him of the opinions and views of this Government, with which you are well acquainted. It is deemed to be highly important that the informal agreement entered into between the Secretary of State and the British minister should be acquiesced in by his excellency the Governor of Maine; and you will urge upon him the propriety of not only yielding to the wishes of the President in this particular, but of affording to the General Government his cordial support and co-operation to carry into effect such measures as the peace and honor of the country alike require.

The accompanying documents* will fully explain the views and instructions of the President. In the present state of the controversy between the State of Maine and her Britannic Majesty's Province of New Brunswick, you will abstain from all armed interference, and from entering the disputed territory for any other purpose than to restore peace. Should the contingency contemplated by the President unfortunately arise, and the attempt be made and persevered in by the British authorities to occupy the disputed territory, militarily, after the troops of Maine shall have retired from it, you will be fully instructed how to proceed. Orders have been extended by the commanding general to move such regular troops as can be immediately collected, and as rapidly as practicable, towards the northeastern frontier: these, together with the militia of the States of Massachusetts and Maine, which you will be authorized to call for, it is confidently expected will be sufficient to enforce the determination of the Government.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major General WINFIELD SCOTT,
Commanding, &c., Boston, Mass.

No. 2.

WAR DEPARTMENT, *March* 8, 1839.

SIR: As it is to be presumed that the authorities of Maine will be anxious to ascertain the intentions of the President in regard to that portion of the

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* Correspondence between the Secretary of State and the British minister, and the arrangement entered into between them, which have already been communicated to Congress and printed.

late law which relates to the appointment of a special minister to England, I think it proper to inform you that our minister at that court has been instructed to urge the necessity of a speedy and final decision of that Government in this matter; and, after expressing surprise at the delay which has occurred in furnishing Mr. Fox with instructions to continue the negotiation here, as was agreed upon, to say, that, if her Britannic Majesty's minister would prefer to have the negotiation transferred to London, the President would immediately appoint a minister to proceed there, in conformity with the expressed intentions of Congress. These despatches will go out in the Liverpool steamer. It was stated, in conversation between Mr. Forsyth and Mr. Fox, that Mr. Hudson assured the latter that his instructions were being completed in the Foreign Office at the period of his departure from London.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major General WINFIELD SCOTT,
Augusta, Maine.

No. 3.

HEADQUARTERS, EASTERN DIVISION,
Augusta, Me., March 7, 1839.

SIR: I had the honor to receive at Portland, yesterday morning, your instructions dated the 28th ultimo, which were addressed to me at Boston; and I came here the same evening.

Happily, no conflict of arms, it is believed, has yet taken place between the forces of Maine and those of Great Britain, and none is immediately apprehended.

It is now doubted, here, whether there be any truth in the reported arrival of 500 men at Madawaska from Lower Canada, and of 800 at Halifax from Europe; and Sir John Harvey had not, at the latest date, advanced a man into the disputed territory south of the St. John's, if beyond that river. Time, therefore, has been gained for urging moderate counsels.

I waited upon his excellency Governor Fairfield last evening, a little before the last mail from Washington had been opened. The latter part of Mr. Buchanan's fourth resolution reported to the Senate of the United States created much dissatisfaction at this place; but whilst with the Governor, the pleasing intelligence was received that that resolution had been so modified as to render it inoffensive to Maine. This is another circumstance favorable to the adjustment of the boundary question.

The engagements of the Governor have been such, this morning, as to prevent my holding with him the free and full conference which I shall seek in the course of the day. He is desirous, moreover, to wait for the news expected from Washington this evening, and the arrival of a part of the late delegation of Maine in Congress.

I have the honor to remain, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

Hon. J. R. POINSETT, *Secretary of War.*

No. 4.

HEADQUARTERS, EASTERN DIVISION,
Augusta, Maine, March 8, 1839.

SIR: We have no recent intelligence of interest from the disputed territory, or New Brunswick. The civil *posse* of Maine, under Messrs. McIntire and Jarvis, consisting of about 600 choice men, are actively engaged in the special duties assigned to them, supported by a detachment of troops of 1,000, already on the ground, and another detachment of 600, which will be there in a day or two. Besides these, the Governor had a force of 400 men, stationed at Calais, on the St. Croix, and about 1,000 halted here for orders. I hope it may not be thought necessary to advance the latter.

His excellency Governor Fairfield does not think that he can, under the threat of Sir John Harvey, withdraw the troops from the disputed territory; and, even if assured that no attempt will be made to put that threat into execution, he would still deem it his duty to continue on the ground at least a part of the *posse*, to prevent further depredations, and to secure the timber which has already been cut.

Sir John Harvey is either waiting for the arrival of sufficient reinforcements to enable him to enter upon the disputed territory, or, more probably, for some communication from this quarter, as to the probable temper and dispositions of Maine, under the recommendation contained in the recent *memorandum* signed at Washington; and, as there has been no correspondence between him and the Governor of Maine since the — ultimo, (the letters laid before Congress,) I have just proposed to the latter that I should seek to learn, through an official or private note, whether Sir John is, himself, willing and at liberty to acquiesce in that recommendation; offering, at the same time, to use my best endeavors with Governor Fairfield to induce him to take corresponding steps on the part of Maine, so as to preserve the peace of the frontier, until the Governments of the United States and Great Britain can interpose and settle amicably the great question in controversy between the two nations. With the sanction of his excellency, I shall to day write a note to Sir John, of that character, and I entertain a well-grounded hope that I shall receive a favorable reply; for here is a Mr. English, an intelligent gentleman, recently from Frederickton, who is believed to be in the confidence of Sir John, and who avouches the pacific disposition of the latter. Sir John Caldwell, a distinguished resident of New Brunswick, is also expected by Mr. English to be here in the course of a day or two, privately charged with the views of the Lieutenant Governor. He is an old personal friend; and having entertained the hope of seeing him last night or this morning, I was not in haste to obtain the sanction of Governor Fairfield to the course above suggested. I, however, do not now deem it safe to wait many hours longer for his arrival.

I have the honor to remain, sir, with high respect, your obedient servant,
WINFIELD SCOTT.

Hon. J. R. POINSETT, *Secretary of War.*

No. 5.

HEADQUARTERS, EASTERN DIVISION,
Augusta, Maine, March 11, 1839.

SIR: I enclose a copy of a semi-official letter which I yesterday despatched to the Lieutenant Governor of New Brunswick. It will probably reach

him to-morrow night, by means of the line of Maine estafettes from Bangor to Houlton, and thence by express to Frederickton.

The communication has been delayed several days, first, from the desire entertained here to learn the action of Congress; next, for the return of some of the Maine delegation; and then, for the arrival of Sir John Caldwell, who was expected, and who is known to be in the confidence of Sir John Harvey, in order to settle the terms of the overture proper to be submitted, and which will be found in the latter part of the enclosure. It soon became evident to me, from conversations with his excellency Governor Fairfield, and many leading members of the Legislature here, that Maine is not likely to consent to withdraw her civil posse, nor to agree upon any system of measures, conjointly with New Brunswick, for the future removal of trespassers or the protection of the public property—at least in respect to the parts of the disputed territory on this side of the river St. John, over which the State has long exercised civil jurisdiction. It is alleged here, that, to follow out the "memorandum" upon those points, would place Maine on a worse footing, in respect to the Aroostook district, than that on which she stood prior to the late movements. Hence the terms of the overture sketched in my letter, and which were fixed upon with great care, in concert with his excellency and the honorable Mr. R. Williams.

A reply from Sir John Harvey may be expected in five, or perhaps seven days; and I have determined to remain here, to use my personal endeavors with the State Government to harmonize all the minor details between it and the Province of New Brunswick.

I have just seen Sir John Caldwell, who has brought from Sir John Harvey to Governor Fairfield a card, of which, with the permission of the latter, I enclose a copy. As yet, I have had but a moment's conversation with the messenger, in the presence of his excellency. He represents the dispositions of the Lieutenant Governor to be highly conciliatory; notwithstanding which, I apprehend much difficulty in respect to the civil posse of this State, which it is determined to hold in the disputed territory. In the course of the day, I shall have ample conversations with the messenger, but must now break off for the mail.

Governor Fairfield, whose confidence I have sought, and am so fortunate as to enjoy, expects a visit to day from some four or five of the delegates from this State in the late Congress. I shall also have the advantage of learning their views, &c.

I have the honor to remain, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

Hon. J. R. POINSETT,
Secretary of War.

HEADQUARTERS, EASTERN DIVISION,
Augusta, Maine, March 9, 1839.

MY DEAR SIR JOHN: After waiting (I am ashamed to reflect how long) to find myself within a convenient distance and at leisure to express to you all the delight experienced at the reception of your very kind letter of April last, I have now to acknowledge a second, (dated in January,) of the same character, under the depression caused by more recent intelligence of your

severe affliction—the loss of a gallant and estimable son. I offer you my sincere condolence on the great bereavement, and cherish the hope that, in the midst of high official engagements, and, still more, in the resources of a well-disciplined mind, you may be enabled to bear the stroke of Providence with the heroism of a soldier and a Christian.

I have, my dear sir, at this moment, another cause of depression. For two winters I have earnestly, in snows and frosts, and with but little rest of any kind, labored to maintain peace between our countries, by restraining many lawless Americans and Canadian refugees from violating the faith of the United States pledged to Great Britain; and having satisfied myself that the borders, west of this, were restored to tranquillity, I lately dropped down to the seaboard, when I heard of new and more alarming rumors of war on the northeast of Maine! I hastened to Washington, received instructions, in the spirit of peace—and here I am. It was there that your second letter reached me, via Quebec, &c., &c. The Secretary of War was so much pleased with your liberal and pacific sentiments towards this country, that he borrowed the letter for the perusal of the President. How happy may we esteem ourselves, if a personal friendship, commenced in the field, and in opposite ranks, can be made in any degree conducive to the preservation of peace—a *perpetual* peace, between our countries! For, if an immediate conflict of arms, about the disputed territory, can be avoided, to allow time to the two Governments to adjust, at London or Washington, the great question in controversy, (which I am persuaded may readily be done,) I see no reason to apprehend another cause of serious misunderstanding between the two portions of the great Anglo-Saxon race for centuries to come. The ties of common blood, language, civil liberty, laws, customs, manners, interests, must, in a reasonable period—that is, as soon as we can forget past wars, and they are almost forgotten—work out a strong compact of reciprocal feeling, (far more binding than written engagements,) which the other nations of the world would be wholly unable to dissolve or to resist. Such compact, although the two portions of the race are, and probably ever will remain, under separate Governments, and of different forms, is necessary to both—in war, as in peace; for who shall say what hostile combinations, in the next one hundred, seventy, or even thirty years, may not take place among the other nations, to require the united strength of England and America for the safety of their common principles and interests? These considerations incline me strongly to the side of peace; and I am confident I do but express the wish of all enlightened Americans, and reciprocate that of "our brethren of the half-blood on the other side of the Atlantic."*

But, how avoid a conflict of arms on the disputed territory between the proximate troops of Maine and Great Britain, under the purpose distinctly avowed in your letter of the 18th ultimo, addressed to the Governor of the former? With that declaration held up *in terrorem*, it is felt here that Maine cannot withdraw her troops with honor.

Entertaining a lively hope that you may have been induced, by the *memorandum* signed at Washington, the 27th ultimo, by the diplomatic representatives of Great Britain and the United States, to suspend the purpose of seeking "to expel, by military force, the armed party which has been sent by Maine into the district bordering on the Aroostook river," and

* Mr. Canning.

of taking military occupation of that district, may I request from you a declaration to that effect? Should your answer be favorable, (as I trust it may be,) I do not doubt that the troops of Maine, already in the disputed territory, would be immediately recalled, and the detachments in march thither from the interior of the State at once ordered to halt.

In regard to all minor questions of temporary civil jurisdiction, including the protection of timber, cut or uncut, it is believed there would then be but little, if any, difficulty. These may, perhaps, be advantageously left on their former footing.

It is due to candor to say, that, by the term *troops*, Maine would not understand as included, the civil posse, under the sheriff and a land agent, which she now has in the disputed territory. Such posse, however, would be limited to a small number of persons, and restricted to certain specific duties.

It is probable that I may, in a few days, proceed to Houlton or Hancock barracks; but, whether I remain here, or may happen to go to another point in the interior, Major Kirby, of our army, commanding at the barracks, will forward to me any communication to my address.

To show clearly the pacific dispositions of the United States, I will add, that I have not assumed, and do not expect to assume, any command over the forces which Maine has in the field; and, if we can avoid collision on the northeastern frontier, it is not likely that the United States will proceed to levy a single regiment under a recent act of Congress.

I remain, my dear Sir John, with the highest respect and esteem,

Your friend and humble servant,

WINFIELD SCOTT.

His Excellency Major General Sir JOHN HARVEY,
Lieutenant Governor, &c., &c., &c.

GOVERNMENT HOUSE,
Fredericton, (N. B.) March 7, 1839.

Major General Sir John Harvey presents his compliments to Governor Fairfield, and, with reference to a communication which he has just received from her Majesty's minister at Washington, transmitting a "memorandum," under the joint signatures of Mr. Forsyth, Secretary of State, and Mr. Fox, containing terms of accommodation recommended by the Secretary of State and her Majesty's minister plenipotentiary, to Governor Fairfield and himself, respectively, begs to say that he will be happy to enter into such amicable communication with Governor Fairfield upon the subject, as may conduce to the attainment of the very desirable and important object thereby proposed to be effected.

Sir John Harvey has answered Mr. Fox's communication, by expressing his entire readiness to give effect to the proposed agreement, so far as may be dependent upon him.

His Excellency Governor FAIRFIELD, *&c.*

No. 6.

HEADQUARTERS, EASTERN DIVISION,
Augusta, (Maine,) March 13, 1839.

SIR: On the subject of the "memorandum," signed at Washington, Governor Fairfield sent in a message yesterday to the Legislature, of which I hope to obtain a copy in time to transmit to you by this morning's mail.

I neither saw the document, nor learned its contents, until it had gone in; and at first felt a little hurt at being kept in ignorance on the subject, (I am on the same floor with his excellency, and wait upon him several times a day,) until he assured me in the evening that it had been his intention to read the paper to me, and to have invited my views on its suggestions or recommendations, but was prevented by certain accidental interruptions. I learn from him that, on the subject of withdrawing his troops and civil posse from the Aroostook district, the message differs but little, if at all, from the suggestions, on the same points, contained in my letter to Sir John Harvey, a copy of which I forwarded to the department the 11th instant; which suggestions, agreed upon between the Governor and myself, contain the nearest approximation to the spirit of the memorandum that I was able to obtain. The message, however, will speak for itself.

Sir John Caldwell thinks that the proposition to retain, in the Aroostook district, a small posse for civil purposes, will not ultimately be objected to. That posse, I learn, (through the Governor and Colonel Jarvis, who returned here yesterday) has already been reduced from (say) 600 men to 150. The jealousy of the Provincial Government, I learn from Sir J. Caldwell, is almost entirely confined to the Madawaska settlement north of the river St. John, and a smaller one on the opposite bank of the same river; both of which have always been under British jurisdiction. And here, to correct misapprehensions, it is proper to remark, that there is a *little* Madawaska river, which falls into the Aroostook near its mouth. It is there that Colonel Jarvis has recently erected a work of logs, which is called *Fort Fairfield.*

There is no truth in the rumor, as I am assured both by Colonel Jarvis and Sir J. Caldwell, that the British are engaged in fortifying Mars Hill. Sir John Harvey has not marched a man into the disputed territory on this side of the St. John's, nor probably on the other, consequent on any recent movement on the part of this State.

I am still persuaded that it is better for me to remain here, than to go to Hancock barracks; but shall be ready to proceed thither the moment that it may be thought useful to do so. In that case, letters would follow me hence.

I entertain the hope that a close approximation will be effected between Maine and the Province of New Brunswick on all the temporary and minor points, so as to leave the great question, without further embarrassment, to be settled between the Governments of the United States and Great Britain.

I had the honor to receive last night your letter of the 8th instant, and immediately laid it before Governor Fairfield, who was as much gratified with its courtesy towards him as with its contents.

I have the honor to remain, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

Hon. J. R. POINSETT, *Secretary of War.*

No. 7.

WAR DEPARTMENT, *March* 19, 1839.

GENERAL: I have the honor to acknowledge the receipt of your interesting and satisfactory communications of the 11th and 13th instant, and their enclosures.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major General WINFIELD SCOTT,
Augusta, Maine.

No. 8.

HEADQUARTERS, EASTERN DIVISION,
Augusta, Maine, March 15, 1839.

SIR: To my semi official note of the 9th instant, addressed to Sir John Harvey, I have, with extraordinary promptness and rapidity, received a reply of the same character; the terms of which closely approximate to those which I had, in concert with Governor Fairfield, suggested to him. The slight differences which remain, his excellency thinks, with me, are likely soon to be amicably arranged.

I enclose a copy of Sir John's note, and shall lose no time in discussing and settling with the Governor the terms of the official answer to be returned.

It is possible that I may deem it best to proceed to Houlton, and to meet the Lieutenant Governor in the manner he proposes at Woodstock, but doubt whether either step on my part will be necessary.

I have no late reports from the frontiers west of New Hampshire, and begin to feel much solicitude for their tranquillity, as is indicated in my circular of this date, a copy of which is enclosed. I also enclose a copy of a report, dated the 12th instant, from Major Kirby, commanding at Hancock barracks.

With high respect, I have the honor to remain, sir, your obedient servant,
WINFIELD SCOTT.

Hon. J. R. POINSETT, *Secretary of War.*

GOVERNMENT-HOUSE, FREDERICKTON, N. B.,
Tuesday Evening, March 12, 1839.

MY DEAR GENERAL SCOTT: Few circumstances of recent date have afforded me so much satisfaction as the receipt of your most friendly and acceptable communication of the 9th instant, from Augusta. I rejoice more especially that my letters, written, as their dates show, when I had little expectation of your services being required upon our hitherto peaceable frontier, (for I have had pleasure in bearing my testimony to the good feeling existing between this Province and our neighbors of Maine,) have reached your hands. My sentiments, as regards yourself, and, I will add, as respects the importance to the cause of liberal institutions throughout the civilized world, of the maintenance of peace, and, I will add, of amity between Great Britain and the United States of America, (her child and offspring,) cannot change.

With the confidence and the frankness due from one soldier to another, I place myself unhesitatingly in your hands, as regards the following communications. My letter to the Governor of Maine was dictated by my *instructions*—for their tenor I am not responsible; for their *execution* I am. With regard to the proposed agreement, so entirely in accordance with my own views and wishes, I was happy in intimating my willing acquiescence, both to Mr. Fox and to Governor Fairfield. My communication to the latter (copy enclosed) will doubtless have been shown to you, (I should wish it could be reputed as addressed to yourself.) In saying to you, that by confining myself to the valley of the St. John's, including the Madawaska settlement, (indispensable as is that line to the communication between these lower Provinces and Canada, and settled, as it is, wholly by British subjects,) and abstaining from any offensive operations against the armed

force in the Aroostook, until a reference can be made to England, I hope and believe that I shall be considered as fulfilling the very spirit and intention of the "*memorandum*." I will add, that to this extent I am quite ready to pledge myself, as far as my power of fulfilling it extends, though I should not wish, for obvious reasons, arising out of the *possibility* of a national war, that any military post should be established nearer to the mouth of the Aroostook than fifteen or twenty miles; and I should also wish, on grounds which, if I could fully explain to you, (which I cannot do on *paper*,) would be deemed by you equally honorable and conclusive, that the armed force on the Aroostook should be gradually reduced and withdrawn; leaving there only a moderate (in amount) civil-armed force, with which it might be in my power to co-operate in the protection of timber, &c. Such an arrangement would deprive the proximity of an armed force, posted so near our great line of communication, of that offensive and aggressive character which might otherwise be attached to it; and might, moreover, enable me to dispense with the presence of any considerable military force in the Madawaska settlement. Effect these objects, my dear General, and a border peace, *pro tempore*, will be established. But, my dear friend, the great national question of *peace or war*, subject as are your authorities to the influence of "*pressure from without*," must still mainly depend upon the manner in which the President exercises the great powers confided to him "by the bill." Upon this subject your concluding paragraph is very satisfactory. If he immediately sends to Europe a special ambassador, time will be given for the existing excitement to subside on this side of the Atlantic, and for the calm consideration and certain adjustment of the question on the other. All appears to me to depend upon this step. In the mean time, depend upon my avoiding *collision* by every means in my power; and that those shall be put in the *wrong* who may force it upon me. I hope you may be able to come and see me *here*, because here only can I receive you as I wish; but I expect to go up to the neighborhood of Houlton, (probably in the early part of the next week,) in the event, which I have no reason to doubt, of my Legislature closing their session *this;* when perhaps a meeting might be arranged. I would willingly go to Houlton, but (*entre nous*) my instructions, as Lieutenant Governor, do not permit me to leave the Province; perhaps, therefore, you could come over to Woodstock.

I have heard much of Major Kirby; and all that I have heard induces me to wish to make his acquaintance.

Lieutenant Colonel Maxwell, 36th regiment, is a fine open-hearted soldier, and will promote our meeting with all his heart. Should you wish to come *incog.*, I hope you will meet our friend Sir John Caldwell at Augusta, where his affairs have taken him. He is unchanged and unchangeable—an excellent, intelligent, worthy creature. He can give you a full account of us all, and more especially the deep affliction into which the domestic calamity, upon which your kind condolences are so feelingly offered, has plunged this family. My refuge is a close devotion to my public and private duties; and my consolation, the hope of a Christian. God bless you, my dear sir.

Your very sincere friend,

J. HARVEY.

P. S.—Pray remember that I have relays of Provincial light dragoons, by whom a communication from Houlton, if sent by their commanding officer at Woodstock, will reach me in six hours. J. H.

HEADQUARTERS, EASTERN DIVISION,
Augusta, Me., March 15, 1839.

SIR: It being apprehended that rumors from the northeastern boundary may have stimulated the people called Canadian patriots and refugees to renew their lawless endeavors to plunge the United States into war with Great Britain, I have to repeat, with increased confidence, the hope expressed in my circular of the 2d instant, that there will be no collision of arms in this quarter, and the desire then expressed, that you will redouble your efforts, if that be possible, by all the means at your command, to maintain the faith of the United States by the strict execution of the neutrality act of March, 1838.

Respectfully, your obedient servant,
WINFIELD SCOTT.

General BRADY,
Colonel BANKHEAD,
Colonel WORTH,
Lt. Colonel PIERCE.

HANCOCK BARRACKS,
Houlton, March 12, 1839.

GENERAL: Your letter of the 10th instant, and the despatch for Sir John Harvey, were delivered to me this morning at 11 o'clock. As I am on the most civil terms of communication with Lieutenant Colonel Maxwell, of the 36th regiment, commanding the military district across the frontier, I forwarded to him, without delay, your despatch, which, the officer who bore it, reports to me, was instantly sent forward to Frederickton by a line of dragoon estafettes, and will undoubtedly reach its destination to night.

I have the honor to report that nothing has occurred here that you are not fully possessed of at Augusta. The 69th regiment has arrived at Woodstock, and is now quartered in that village, (which is eleven miles from the line,) and in the houses between that place and the line, which is one mile from this post. A detachment of the 36th regiment, and a party of the royal and militia artillery, with eleven pieces, are also at Woodstock.

It is probably a fact that the 11th regiment, from Canada, is on its route to Madawaska, and that the leading division is taking position there.

I have to represent the indefensible condition of this post, by the present command, which consists of three skeleton companies only. There are no works, and the enclosure of pickets is only calculated to define the limits of the garrison. There are here about twenty days' rations for 5,000 men, and four 6-pounders but partially equipped for service, and without caissons or horses.

A British picket is posted one mile from this, and their whole force might, in four hours, be advanced to it without discovery.

I enclose for your information a return of this garrison for the month of February.

I have the honor to be, &c., &c.,
R. M. KIRBY,
Major Brevet, 1st Artillery, commanding.

Major General SCOTT,
Commanding Eastern Division.

No. 9.

HEADQUARTERS, EASTERN DIVISION,
Augusta, Maine, March 22, 1839.

SIR: I have the honor to enclose a copy of an official note which I yesterday addressed to Sir John Harvey, with the approbation of his excellency the Governor of Maine, and which has been delayed many days, in the hourly hope that the resolution or resolutions conditionally authorizing the Governor to withdraw the militia of the State from *the disputed territory* would be passed by the Legislature. The resolutions, however, are still pending (11 o'clock, A. M.) upon a disagreement between the two Houses, which, it is hoped, may be reconciled to day. In the mean time, it was thought by the Governor and myself (yesterday) that the note to Sir John Harvey might be despatched.

It is, I think, just probable that the terms of the arrangement, as proposed, may be accepted; although Sir John will not fail to perceive in them a wide departure from the specific recommendations of the *memorandum* signed at Washington: 1st. Maine insists on retaining in the territory generally (not in any limited part) an armed civil *posse*, which, by the *memorandum*, she was requested to withdraw. 2d. Sir J. Harvey is required, as a preliminary, to promise that he will not seek to take military possession of any part of the territory; which would exclude him from keeping a small guard even in the Madawaska settlements, either to support his civil jurisdiction there, or to drive off the trespassers on the public property. 3d. The *memorandum* recommends that the latter object, in every part of the territory, should in future be effected by "concert, jointly or separately, according to agreement;" and Maine utterly rejects the idea of any concert or agreement in respect to any part of the territory, and particularly as to the Aroostook district.

A nearer approximation to the recommendations of the memorandum, I am confident, cannot be obtained from Maine. At one time, the Governor consented that I might insert in the reciprocal declaration I was to propose on his part, an intimation that the operations of his *posse* would be confined to the waters of the Aroostook; but the uncompromising temper since displayed in the Legislature, in the discussions on the pending resolutions, caused him to insist on my striking out any such intimation.

I repeat, then, that the hope of Sir J. Harvey's acceptance of the terms proposed rests on his known liberality of sentiment, and the effect of my two private letters to him, dated respectively the 9th and 21st of this month. A copy of the latter is herewith enclosed.

A reply from him may be expected in five or seven days. Should he insist on any substantial modification in the terms proposed, I am afraid that the Governor will think himself not at liberty, under the resolutions of the Legislature, to yield any thing to the spirit of accommodation. All that could be done in that way I have already attempted, both with leading members of the Legislature and his excellency.

I have the honor to remain, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

Hon. J. R. POINSETT,
Secretary of War.

HEADQUARTERS, EASTERN DIVISION, U. S. ARMY,
Augusta, Maine, March 21, 1839.

The undersigned, a major general in the army of the United States, being specially charged with maintaining the peace and safety of their entire northern and eastern frontiers, having cause to apprehend a collision of arms between the proximate forces of New Brunswick and the State of Maine, on *the disputed territory*, which is claimed by both, has the honor, in the sincere desire of the United States to preserve the relations of peace and amity with Great Britain—relations which might be much endangered by such untoward collision—to invite from his excellency Major General Sir John Harvey, Lieutenant Governor, &c., &c., a general declaration to this effect:

That it is not the intention of the Lieutenant Governor of her Britannic Majesty's Province of New Brunswick, under the expected renewal of negotiations between the cabinets of London and Washington, on the subject of the said disputed territory, without renewed instructions to that effect from his Government, to seek to take military possession of that territory, or to seek by military force to expel therefrom the armed civil *posse*, or the troops of Maine.

Should the undersigned have the honor to be favored with such declaration or assurance, to be, by him, communicated to his excellency the Governor of Maine, the undersigned does not in the least doubt that he would be immediately and fully authorized by the Governor of Maine to communicate to his excellency the Lieutenant Governor of New Brunswick a corresponding pacific declaration, to this effect:

That, in the hope of a speedy and satisfactory settlement, by negotiation between the Governments of the United States and Great Britain, of the principal or boundary question between the State of Maine and the Province of New Brunswick, it is not the intention of the Governor of Maine, without renewed instructions from the Legislature of the State, to attempt to disturb by arms the said Province in the possession of the Madawaska settlement, or to interrupt the usual communication between that Province and her Majesty's upper Provinces; and he is willing, in the mean time, to leave the questions of possession and jurisdiction as they at present stand; that is, Great Britain holding in fact possession of a part of said territory, and the Government of Maine denying her right to such possession; and the State of Maine holding in fact possession of another portion of the same territory, to which her right is denied by Great Britain.

With this understanding, the Governor of Maine will, without unnecessary delay, withdraw the military force of the State from the said disputed territory, leaving only, under a land agent, a small civil *posse*, armed or unarmed, to protect the timber recently cut, and to prevent future depredations.

Reciprocal assurances of the foregoing friendly character having been, through the undersigned, interchanged, all danger of collision between the immediate parties to the controversy will be at once removed, and time allowed the United States and Great Britain to settle amicably the great question of limits.

The undersigned has much pleasure in renewing to his excellency Major General Sir John Harvey the assurances of his ancient high consideration and respect.

WINFIELD SCOTT.

[PRIVATE.]

AUGUSTA, MAINE, *March* 21, 1839.

MY DEAR SIR JOHN HARVEY: I received, with extraordinary despatch, your noble and friendly reply, dated the 12th instant, to my semi-official note addressed to you three days before; and, communicating to his excellency Governor Fairfield your conciliatory dispositions, we were both anxious to respond, in the same spirit, without a moment's delay; but the Governor thought he could make no promise to withdraw the troops of Maine, before it could be known that the Legislature would pass a resolution authorizing him to do so. It is now certain that such resolution will be adopted; and apologizing for the delay that has occurred, I hasten to despatch the official note which accompanies this, and sincerely hope that it may prove satisfactory. In that event, and very soon after hearing from you, I do not doubt that I shall have the happiness of communicating to you a certified copy of the Governor's order for the recall of his troops. Should I, however, contrary to all expectation, not have it in my power to enclose such order, and promptly, I pledge myself to return you your reply without having permitted it to pass out of my hands, and without permitting a copy of it to be taken.

I have been obliged to be a little specific in the declaration I have taken the liberty to invite from you, in order that I might be equally so in the proposed declaration to be made on the part of Maine; all which may be considered as warranted by treating my note to you of the 9th instant, and your reply of the 12th, as semi-official, and, as such, liable to be produced in explanation, if necessary. To this I have no objection, and hope you may feel none.

That negotiations are about to be resumed between our Governments, respecting the *disputed* territory, either at London or Washington, as may be preferred by Great Britain; and that a messenger, recently arrived from London, has informed Mr. Fox that instructions for him were nearly ready; I certainly know, through an official letter recently received from Washington.*

It is probable that the Governor of Maine may deem a civil *posse*, partly armed and partly unarmed, of (say) from one hundred and fifty to two hundred and fifty persons, necessary; of whom he would, probably, keep a handful at the boom across the Aroostook, below the mouth of the little Madawaska, (on which there is much cut timber exposed,) and the remainder at work on the "Aroostook road," on this side. Although, under circumstances, he cannot stipulate on the subject, I am certain that he does not intend to send any part of such *posse* beyond the waters of the Aroostook river, and that it is his intention so to employ his people in guarding the timber, as to be but little observed, and to give the least possible irritation to the population of New Brunswick. Any aid which you may be pleased to afford in securing the cut timber coming down the St. John's from the Aroostook district of the disputed territory, after the timber shall have arrived within your undisputed limits, although uninvited by Maine, could not be regarded by her in any unfriendly spirit.

I have ventured, following out a suggestion in your note of the 12th instant, to insert in the declaration invited from you, the words "without

* The Secretary of War will please recollect that an assurance to this effect was in Sir John Harvey's note to me, of the 12th of March, deemed by the latter important to a temporary arrangement of the present difficulty. W. S.

renewed instructions from his Government;" and there is a corresponding proviso in the proposed declaration to be made by Governor Fairfield. If this proviso be struck out of one declaration, it might be omitted by the other party. It is, however, not probable that new instructions would be given by your Government, or the Legislature of Maine, to disturb the proposed temporary arrangement pending negotiations.

I cannot, my dear sir, believe, if we can succeed in preventing bloodshed at present about this boundary question, that it will be possible to get up "a national war" between us. There is no such desire on the part of the Government or people of the United States; on the contrary, a wish to preserve peace with Great Britain is almost universal with us, and is, I am sure, reciprocated on the other side of the Atlantic. I have had pleasure in meeting here our old friend, Sir John Caldwell. He has done much good to both countries by his conciliatory sentiments and manners.

Long as I have delayed writing, under the circumstances intimated above, I have at last to write in haste, omitting much that I had wished to say of a personal character for some early occasion.

In the mean time, &c., &c., &c.,

WINFIELD SCOTT.

Major General Sir John Harvey,
&c., &c., &c.

No. 10.

Headquarters, Eastern Division,
Augusta, (Maine,) March 26, 1839.

Sir: I have the happiness to enclose, herewith, two copies of the arrangement entered into, through my agency, between the Governor of Maine and the Lieutenant Governor of the Province of New Brunswick. Not having time to cause the papers to be copied for the morning's mail, I take the liberty to send them in the printed form, as cut from newspapers, and add, that each bearing the signature of Governor Fairfield, Sir John Harvey, or myself, is correctly printed.

The copy of my official note to Sir John Harvey, with his acceptance of the arrangement, is in the hands of the Governor of Maine; and another copy of the same official note, followed by the acceptance of the Lieutenant Governor and the Governor, was yesterday transmitted by me to Sir John Harvey. At the same time I sent him copies of two orders which were yesterday issued by the Governor of Maine: the *first* disbanding the 1,000 detached militia which had been held in reserve at this place; and the *second* recalling the military force of the State from the disputed territory, and directing the organization of the civil *posse* that is to be held by the State in that territory. The papers so transmitted, and which bore the signature of the Governor of Maine, or that of his adjutant general, were officially certified by me.

I trust that the arrangement between the Governor and the Lieutenant Governor, together with my humble agency in bringing it about, will be satisfactory to the President and the department. The arrangement, I have no doubt, will be executed by the parties to it in good faith, and in cheerfulness.

I shall set out to-morrow for Elizabethtown, New Jersey, and, should the state of the Canada frontiers permit, may proceed to Washington, as I think

it is in my power to make certain oral communications to the department, which may be considered interesting.

I have the honor to remain, with high respect, your obedient servant,

WINFIELD SCOTT.

Hon. J. R. POINSETT,
Secretary of War.

HEADQUARTERS, EASTERN DIVISION, U. S. ARMY,
Augusta, Maine, March 21, 1839.

The undersigned, a major general in the army of the United States, being specially charged with maintaining the peace and safety of their entire northern and eastern frontiers, having cause to apprehend a collision of arms between the proximate forces of New Brunswick and the State of Maine, on the *disputed territory* which is claimed by both, has the honor, in the sincere desire of the United States to preserve the relations of peace and amity with Great Britain—relations which might be much endangered by such untoward collision—to invite from his excellency Major General Sir John Harvey, Lieutenant Governor, &c., &c., a general declaration to this effect:

That it is not the intention of the Lieutenant Governor of her Britannic Majesty's Province of New Brunswick, under the expected renewal of negotiations between the cabinets of London and Washington, on the subject of the said disputed territory, without renewed instructions to that effect from his Government, to seek to take military possession of that territory, or to seek by military force to expel therefrom the armed civil *posse* or the troops of Maine.

Should the undersigned have the honor to be favored with such declaration or assurance, to be, by him, communicated to his excellency the Governor of the State of Maine, the undersigned does not in the least doubt that he would be immediately and fully authorized by the Governor of Maine to communicate to his excellency the Lieutenant Governor of New Brunswick a corresponding pacific declaration to this effect:

That, in the hope of a speedy and satisfactory settlement, by negotiation, between the Governments of the United States and Great Britain, of the principal or boundary question between the State of Maine and the Province of New Brunswick, it is not the intention of the Governor of Maine, without renewed instructions from the Legislature of the State, to attempt to disturb, by arms, the said Province in the possession of the Madawaska settlements, or to attempt to interrupt the usual communications between that Province and her Majesty's upper Provinces; and that he is willing, in the mean time, to leave the questions of possession and jurisdiction as they at present stand: that is, Great Britain holding in fact possession of a part of the said territory, and the Government of Maine denying her right to such possession; and the State of Maine holding in fact possession of another portion of the same territory, to which her right is denied by Great Britain.

With this understanding, the Governor of Maine will, without unnecessary delay, withdraw the military force of the State from the said disputed territory; leaving only, under a land agent, a small civil *posse*, armed or unarmed, to protect the timber recently cut, and to prevent future depredations.

Reciprocal assurances of the foregoing friendly character having been, through the undersigned, interchanged, all danger of collision between the immediate parties to the controversy will be at once removed, and time allowed the United States and Great Britain to settle amicably the question of limits.

The undersigned has much pleasure in renewing to his excellency Major General Sir John Harvey the assurances of his ancient high consideration and respect.

WINFIELD SCOTT.

GOVERNMENT HOUSE,
Fredericktou, N. B., March 23, 1839.

The undersigned, Major General Sir John Harvey, Lieutenant Governor of her Britannic Majesty's Province of New Brunswick, having received a proposition from Major General Winfield Scott, of the United States army, of which the foregoing is a copy, hereby, on his part, signifies his concurrence and acquiescence therein.

Sir John Harvey renews with great pleasure to Major General Scott the assurances of his warmest personal consideration, regard, and respect.

J. HARVEY.

EXECUTIVE DEPARTMENT,
Augusta, March 25, 1839.

The undersigned, Governor of Maine, in consideration of the foregoing, the exigency for calling out the troops of Maine having ceased, has no hesitation in signifying his entire acquiesence in the proposition of Major General Scott.

The undersigned has the honor to tender to Major General Scott the assurances of his high respect and esteem.

JOHN FAIRFIELD.

No. 11.

HEADQUARTERS, EASTERN DIVISION,
Elizabethtown, (N. J.,) May 24, 1839.

SIR: I have the honor to enclose copies of the following papers: 1. Letter to me from Sir John Harvey, Lieutenant Governor of New Brunswick, dated the 14th instant, with enclosures; 2. My reply of this date; and, 3, A letter from me to Governor Fairfield, of Maine, also of this date.

I have the honor to remain, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

Hon. J. R. POINSETT, *Secretary of War.*

GOVERNMENT HOUSE,
Fredericktou, (N. B.,) May 14, 1839.

MY DEAR GENERAL SCOTT: You will, I think, be hurt and distressed at the contents of the enclosed papers.

In your own chivalrous spirit, determined to show an example of good faith, which I did not allow myself to entertain a doubt would be followed by the Government of Maine, I instantly sent away the troops by which the Madawaska settlement was occupied. If these proceedings are persisted in, I fear I shall have to replace them, as Mr. Baker's residence, visited by the armed party from the Fish river, is actually within what is called the "upper settlement of Madawaska." I have, however, instructed Mr. Maclauchlan to withdraw within the settlement, rather than incur the risk of collision. Had Mr. McIntire been present, an amicable arrangement regarding this vexatious timber question could, I am persuaded, have readily been entered into—and I hope still may.

I am happy to say that my recent despatches from her Majesty's Government evince a disposition to come to an *immediate* amicable adjustment of the question of bonndary; and you will be glad to hear that all my proceedings down to the latest dates are highly approved.

Believe me always, my dear General, with the sincerest regard and respect.

J. HARVEY.

His Excellency Maj. Gen. SCOTT, *&c.*

P. S. My construction of the spirit of the agreement certainly was, that the armed posse of the State of Maine should confine its presence to the valley of the "Restook," leaving that of the St. John undisturbed.

J. H.

SIX MILES BELOW FISH RIVER,
10 *o'clock P. M., Saturday, May* 11, 1839.

SIR: Since I had the honor of addressing you yesterday, and transmitting a letter which I received from the officer in charge of the American armed posse at the Fish river, I have had occasion to take the depositions of Messrs. Burton, Sutton, and Yerxa, touching the proceedings of the armed posse, and which I now beg to enclose for the information of his excellency the Lieutenant Governor; and at the same time to state, that the posse under Captain Nye had returned up the Fish river a few hours previous to my passing it.

Mr. Burton is the bearer of this despatch; and as I have found him exceedingly vigilant in the performance of the duties required of him by me, I have to request that his excellency will be pleased to allow him to return with the least possible delay.

I have the honor to be, &c.,

JAMES A. MACLAUCHLAN,
Warden of the disputed territory.

Captain TRYON,
Private Secretary, &c.

William James Burton, of the parish of Frederickton, and county of York, deputy surveyor of crown lands, and seizing officer, maketh oath and saith: That he was employed above the Grand Falls of the river St. John, in his official capacity as seizing officer, in assisting the warden of the disputed territory in taking and securing all lumber cut on the aforesaid territory in dispute; that on the morning of the 11th day of May, left the warden aforesaid at Black river, and was proceeding down the St. John at his request, to make arrangements for the better securing timber below the Grand river; when about eight miles below Black river, met a party of about thirty men—some in canoes, and others walking on the shore, carrying fire arms, proceeding up the river, and apparently headed by John Baker of Madawaska; that your deponent, accompanied by Mr. Sutton, on seeing the canoes land, proceeded to the shore to ascertain who they were. On landing, found the party to be Americans, under the command of Captain Nye; about eighteen of the party, this deponent believes, were armed with muskets and rifles of American manufacture, with fixed bayonets. Captain Nye stated that he was going up to see Mr. Maclauchlan, and had written to him a short time previous, and that he thought the timber had better remain where it was. I told him where I had left the party, and that he would probably meet him. Your deponent and Mr. Sutton returned up the river again. On arriving at the mouth of the Aliguash, and being some distance ahead of the armed people aforesaid, we saw canoes going down, and found them to be a party of about twenty men, that the warden had ordered down to the St. Francis, there to wait for further orders; proceeded up the Aliguash, and at about one mile and a half from the month found the said warden of the disputed territory engaged in marking a quantity of timber at a brow near the banks of the stream, and stated to him as aforesaid.

WM. J. BURTON.

CARLETON, *ss*:

Sworn before me, in the Madawaska settlement, county of Carleton, and Province of New Brunswick, this 11th day of May, 1839.

J. A. MACLAUCHLAN, *J. P.*,
and Warden of the disputed territory.

Elias Yerxa, of the parish of Frederickton, and county of York, maketh oath and saith: That he was hired by James A. Maclauchlan, Esq., to proceed with a party of men up the river St. John, above the Grand Falls, for the purpose of driving all the timber cut on the banks of the river St. John and its tributaries, (on the disputed territory above the line, so called;) that, on the 11th day of May, this deponent was at the mouth of the Aliguash river, and was ordered by James A. Maclauchlan, Esq., to proceed with a party of about twenty men, in canoes, down the river, and to remain at Baker's brow, (so called,) near the St. Francis, for the purpose of heaving some timber in the river. When about half a mile below the Aliguash, we met a party of armed men, coming up the river—some walking on the shore, and the remainder in canoes. Having arrived at Baker's brow, we proceeded to his camp, and commenced cutting wood and preparing for the night; between six and seven o'clock, while supper was preparing, the aforesaid party

of armed men returned, consisting of twelve men, armed with muskets and fixed bayonets, American manufacture, under command of Captain Nye, armed with pistol and dagger, who ordered deponent and party to be off immediately down the river with their canoes, or they would set them adrift, and that they must be below Fish river that night. They would not allow deponent and party to finish their supper, but formed a line from the door, on one side of the camp, towards the river; Captain Nye (so called) then went in and ordered this deponent and party out at the point of the bayonet. This deponent further saith, that John Baker, of Madawaska, accompanied the aforesaid armed force; that Captain Nye made inquiry for James A. Maclauchlan, and was told by deponent and party that he was somewhere up the river. Captain Nye then stated he would hunt him out, and some of the party regretted they had not taken Mr. Burton in the morning. This deponent and party, not having any means of defence, were forced into their canoes, and were followed down the river by the aforesaid Nye and party. Night overtaking them at Louis Abair's, about six miles above Fish river, they went on shore, being very much fatigued with the day's journey. Nye and party coming up, some of this deponent's party asked leave of Captain Nye to remain all night at the said Abair's, which was granted on condition that they would leave very early in the morning; which they did, and remained at Michan's, about six miles below Fish river, until the arrival of James A. Maclauchlan, Esq., which was about six o'clock, P. M.

ELIAS YERXA.

CARLETON, *ss:*

Sworn before me, in the Madawaska settlement, county of Carleton, and Province of New Brunswick, this 11th day of May, 1839.

JAMES A. MACLAUCHLAN,
Justice of the Peace, and Warden of the disputed territory.

ONE MILE UP THE ALIGUASH RIVER,
4 o'clock P. M., Friday, May 10, 1839.

SIR: I have the honor to enclose you, for the information of his excellency the Lieutenant Governor, a letter which I received, at three o'clock this afternoon, from the officer in charge of the American armed posse on the Fish river.

This communication I have sent express, as I am desirous of receiving any further instructions his excellency may see fit to give me touching the seizure of timber in this section of the Province. However, in the mean time I shall continue to carry into effect the instructions I have received, unless prevented by the armed posse.

I have the honor to be, &c., &c.

JAMES A. MACLAUCHLAN,
Warden of the disputed territory.

Captain TRYON,
Private Secretary, &c., &c.

St. Francis Settlement,
South side St. John River, May 10, 1839.

Sir: Having received information of your having ascended the St. John river with a party of men, with the avowed intentions of driving timber and logs, now within the jurisdiction of the State of Maine, into the Province of New Brunswick, I am now under the disagreeable necessity of informing you that such an act will be in violation of the right of the said State. I request you to desist from such an act, as my instructions are such that I cannot admit of the timber being moved from the territory. Please give me an answer by the bearer.

Your obedient servant,
A. NYE, *A. A. L. Agt.*

J. A. Maclauchlan, Esq.,
Allaguash.

Headquarters, Eastern Division,
New York, May 24, 1839.

My dear Sir John Harvey: I have this moment received your note of the 14th inst., and shall instantly despatch copies of the papers you enclose, to the War Department, and to the Governor of Maine.

I am indeed much hurt by the irregularity of a subordinate officer of Maine, in the absence of his principal, and no doubt against his instructions. A serious collision, after all, might have taken place about *the disputed territory*, but for your friendly forbearance in ordering your *posse* to withdraw for a moment, to allow a corrective to be applied by the State of Maine. This, I cannot doubt, will be speedily done. In the mean time, I thank you for an act worthy of your high character, and which is in perfect harmony also with the determination of the two National Governments to maintain the relations of friendship, so important to both, by an early adjustment of the boundary question.

I have delayed answering your notes of the 18th and 22d ultimo, hoping that I might have the pleasure of promising you a visit in all the next month; but I believe it may be more useful to the friendship of our countries that I should, in fifteen or twenty days, set out for the north and west, passing all along the Canada frontiers from Lake Champlain to the upper lakes, in order to assure that tranquillity which now prevails; but, whether I meet you this summer, or not, I beg you to believe me always

Your devoted friend and servant,
WINFIELD SCOTT.

Major Gen. Sir John Harvey,
Lieut. Governor Province of New Brunswick, &c. &c.

Headquarters, Eastern Division,
Elizabethtown, N. J., May 24, 1839.

Sir: I have this moment received from the Lieutenant Governor of the Province of New Brunswick the papers numbered from 1 to 3, herewith enclosed.

From these it appears that a part of the *posse* of Maine, under the command of Captain Nye, having penetrated *the disputed territory* beyond the waters of the Aroostook as far as Grand and Fish rivers, and even visited Baker's settlement, north of the St. John, has been in danger of a collision with a similar party employed on a similar service by that Province.

The Lieutenant Governor reminds me that, confiding in the arrangement recently entered into, by my agency, between the State of Maine and the Province of New Brunswick, respecting the said territory, he "instantly sent away the troops by which the Madawaska settlement was occupied. If these proceedings are persisted in, I fear I shall have to replace them, as Mr. Baker's residence, visited by the armed party from Fish river, is actually within what is called 'the upper settlement of Madawaska.'

"I have, however, instructed Mr. Maclauchlan to withdraw within the settlement, rather than incur the risk of collision. Had Mr. McIntire been present, an amicable arrangement, regarding this vexatious timber question, could, I am persuaded, have readily been entered into—and I hope still may.

"I am happy to say" (the Lieutenant Governor continues) "that my recent despatches from her Majesty's Government evince a disposition to come to an *immediate* amicable adjustment of the question of boundary; and you will be glad to hear that all my proceedings, down to the latest dates, are highly approved.

"P. S.—My construction of the spirit of the agreement certainly was, that the armed *posse* of the State of Maine should confine its presence to the valley of the Restook, leaving that of the St. John undisturbed."

I am persuaded, with Sir John Harvey, that Captain Nye has gone beyond the instructions of your excellency; and that, had Mr. McIntire been present, all danger of collision would have been avoided.

I shall immediately transmit copies of the papers in question to the War Department, and have the honor to remain,

With high respect, your excellency's most obedient servant,

WINFIELD SCOTT.

His Excellency J. FAIRFIELD,
Governor of Maine.

26th Congress, 1st Session. Doc. No. 170. Ho. of Reps.

CHINA TRADE.—MERCHANTS OF BOSTON AND SALEM, MASSACHUSETTS.

COMMUNICATION

FROM

THOMAS H. PERKINS, AND A GREAT NUMBER OF OTHER MERCHANTS, OF BOSTON AND SALEM, MASS.,

Interested in the China trade, containing a statement of intelligence recently received from undoubted sources in China, which has not before been made publicly known.

April 9, 1840.
Referred to the Committee on Foreign Affairs.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The undersigned, merchants, deeply interested in the China trade, respectfully ask leave to lay before you the statement herewith, of intelligence recently received from undoubted sources in China, part of which only has appeared in the public prints.

They offer it in order to show the hostile aspect of affairs in China, and what were the first-fruits of the difficulties which had occurred between the British and Chinese.

They would add, that a full belief is entertained among the best-informed merchants in England, that the British Government have sent orders to India to concentrate a fleet upon Canton the coming spring, and that war, or blockade at least, will ensue, if their demands are not acceded to; this belief is countenanced by Lord Palmerston's intimation to a committee of East India merchants, "that no prudent man should send property to China at this time."

The undersigned would urge, that the coast of China is always lined with hundreds of large fishing and smuggling vessels, filled with desperate half-starved men, who never let pass a favorable opportunity to rob a vessel in distress, who are with difficulty kept from open piracy, when the whole efforts of their own Government are used to restrain them; who, in more than one instance, have taken complete possession of the entrance to Canton river, setting their own Government at defiance, capturing all weak vessels within their reach, whether Chinese or foreign, murdering the crews, and, in short, rendering the coast of China dangerous to any merchant-vessels. They would urge that when these men are freed from the restraint of their own laws, and irritated against foreigners by a block-

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ade or other hostile measure, there is every reason to fear that they will form hordes of open and desperate pirates, and that our vessels, usually lightly manned and armed, will be greatly endangered thereby.

Finally, they would urge that there is just reason to fear that hostilities will ensue between the British and Chinese, during the coming spring and summer, and that, upon the general ground of protection to our citizens and property from the violence and disorder which always accompany war, American interests require the presence of a respectable national force in the Chinese waters.

While the undersigned would advocate most strongly the sending a national force to China, for the protection of American commerce from illegal aggression, they would most earnestly deprecate the delegation to its commander, or to any other person at this time, of any powers to interfere in the contest between England and China, or to enter into any diplomatic arrangement whatever.

They would represent, that the character, laws, and customs, of the Chinese nation, are so little understood, that, even granting our right to demand a change in their foreign policy, it would be unwise to authorize an envoy to negotiate with them, until the whole subject had been examined and considered in our national councils with all procurable information before them.

The result of more than one attempt of our British neighbors to improve their position with the Chinese, has been upon each occasion the imposition of further restraint upon all foreigners, and such we believe would follow any negotiations on the part of the Americans based upon the established usages among other nations.

T. H. Perkins,
Neal & Co.,
H. Oxnard,
John L. Gardner & Co.,
Thomas G. Cary,
Nichols & Whitney,
George Howe,
Daniel Denny,
Benjamin Rich,
F. A. Gray,
A. A. Lawrence & Co.,
J. K. Mills & Co.,
Samuel Appleton,
John C. Green,
Goodhue & Co.,
Howland & Aspinwall,
William Appleton,
Samuel Cabot,
Robert Hooper, jr.,
Timothy Williams,
J. Ingersoll Bowditch,
Caleb Loring,
Thos. B. Wales,
Henry Cabot,
Samuel W. Swett,
J. Parker, jr.,
Francis Bacon,
J. Hooper,
C. A. Lowell,
Robert G. Shaw & Co.,
B. A. Gould,
Henry G. Rice,
S. Austin, jr.,
William Sturgis,
Cary and Co.,
J. M. Forbes.

On, or about the 24th August, 1839, the superintendent of the British trade, Captain Elliot, with his commission, and all the British residents, were forced to embark from Macao, by the demand of the Chinese commissioner of a British subject to atone with life for the death of a Chinese killed some time previous, in an affray, by a party of sailors.

At about the same time the British schooner Black Joke, was cut off in Macao roads, by two Chinese boats supposed to be pirates, five of the crew murdered, two escaped by swimming, and an English passenger was barbarously maimed and mortally wounded.

On the 4th September, Captain Smith, of the British frigate Volage, with her Majesty's cutter Louisa, the schooner Pearl, armed for the occasion, and several armed launches, made an attack upon two Chinese vessels of war, and a Chinese fort, in which several Chinese were killed, and some of the British badly wounded, but neither the vessels nor fort captured.

On the 11th September, Captain Smith, of the Volage, at the requisition of the chief superintendent, gave notice that, at the end of six days, he should blockade the port of Canton, but saw fit to withdraw the notice when the time came.

On the 12th September, the Spanish brig Bilbano, a rice-carrier, being in the Taypa, a harbor belonging to Macao, and two miles distant therefrom, was attacked and burnt by a party of Chinese boats and junks; the fate of her crew was not known; but it was believed, the party were Chinese vessels of war, and ordered to destroy the English brig Mavis (also lying in the Taypa), and that the crew had been carried to the Chinese forts at the Bocca Tigris, to be held responsible for the delivery of those who killed the Chinese before referred to. It is, however, quite probable that the deed may have been committed by the pirates or privateers.

On or about the 3d November, two British frigates or sloops of war, were seen engaged with a number of Chinese vessels of war. An extract of a letter from a respectable American supercargo, who was an eyewitness of the action is annexed.

Extract of a letter from Mr. John Cunningham, supercargo of the ship Morea, of Boston, dated Macao, November 4, 1839.

"On arriving at the Bogue, the point of the river which is defended by forts, and where we were obliged on our passage down (from Canton to Macao) to show our pass, we saw two English men of war, engaging from 20 to 30 war-junks. We were drifting down slowly with the tide, and had good opportunity of witnessing all that passed. The fight continued about an hour, when the junks retreated, and the men of war set sail for this place. On arriving opposite to the spot where the shot had appeared to fly the most thickly, we found three of the Chinese vessels sunk, with their masts just peeping from the water, and numbers of miserable wretches clinging to the rigging. Several others appeared much disabled.

"This morning we found that in consequence of the negotiation being broken off, the Yun Chi ordered the English either to enter Whampoa at once, or to quit the Chinese waters, with the threat of burning their ships if they refused compliance. On the receipt of this order, Captain Elliot sent two vessels, the Hyacinth and Volage, to ascertain if the commissioner was in earnest. When these vessels arrived at the Bogue, they received a request from the commander of the forts not to approach nearer than two or three miles; which they complied with, lying to, and waiting for the answer to Captain Elliot's message. While in that situation, about thirty junks got under weigh from under the forts, and stood down toward them. A message from the ships was sent to the commander of the junks, desiring him not to approach any nearer, which request was

disregarded. The action then commenced on the part of the English with round and grape shot, which did terrible execution. For some time the Chinese fought well, their admiral showing great courage and presence of mind, but they were finally obliged to retreat, as I have before mentioned. The English suffered no loss.

"This evening the Chinese report has been received. One mandarin with a crystal button, has been killed, the admiral dangerously wounded, three junks sunk, one blown up, and many more disabled. Over three hundred men have also been killed. The commissioner is reported to be very much frightened, and at a great loss what to do.

"Thus all hope of an accommodation is broken off, and war virtually declared between the two nations. Whether the port of Canton will be closed to vessels of all nations is a question which yet remains to be decided. I should not be at all surprised, if the Chinese themselves should sink junks at the Bogue, and thus prevent both ingress and egress."

26th Congress, 1st Session. | Doc. No. 171. | Ho. of Reps. War Dept.

REORGANIZATION OF THE MILITIA.

LETTER

FROM

THE SECRETARY OF WAR,

TO

The Chairman of the Committee on the Militia, explanatory of the plan for reorganizing the militia of the United States, heretofore submitted to the House, &c.

April 9, 1840.
Read, and laid upon the table.

House of Representatives,
March 6, 1840.

Sir: There are several points in your proposed reorganization of the militia of the United States, which present a contrariety of opinions to the Committee on the Militia, to whom the subject was referred, and they request me to address you for the purpose of suggesting such difficulties as present themselves, and to ascertain a more full exposition of your views, so that we may act with all the information that can be obtained, as connected with the subject.

By the 14th proposition of the system, the territory of the United States is divided into ten districts, and, with the exception of New York, each district is composed of two, or more States. Are we to understand that the President is empowered to call out the whole force of any one of the districts at the same time, and at any point he may designate?

The interpretation of the "territory of the United States," is by some understood to mean the public lands and the District of Columbia, and cannot embrace the limits of the several States unless there be a misconstruction of the letter and spirit of the Constitution, which declares "a well-regulated militia as being necessary to the security of a free state."

By the 17th proposition, the power of the President to call forth and assemble such numbers of the active force of the militia as he may deem necessary, and subject them to such regulations as he may think proper, to adopt for their instruction, discipline, and improvement in military knowledge, is an organization supposed to be incompatible with the 8th section of the 1st article of the Constitution, that "provides for calling forth the militia, and reserves to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

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With a sincere desire to effect the object of reorganizing, and more fully disciplining, the militia, the great bulwark of the country, you will not deem it importunate that we thus freely confer with you upon the subject.

With great respect, your obedient servant,

GEORGE M. KEIM,
Chairman of the Committee on the Militia.

Hon. J. R. POINSETT,
Secretary of War.

WAR DEPARTMENT, *April* 8, 1840.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, stating the difficulties which have suggested themselves to the committee to which was referred the plan for the reorganization of the militia of the United States, and desiring to ascertain my views more fully than they are stated in the plan presented to the House.

The details of the plan for reorganizing the militia having been called for by a member of the committee, I took it for granted that this course would be pursued, and, to avoid being tedious, did not enter into more minute explanations. I therefore avail myself, with pleasure, of the opportunity now afforded me to reply to the objections which have presented themselves to the committee. The proposition to divide the territory of the United States, by which is here meant the area embraced by the geographical boundaries of the whole confederacy, is intended for military purposes, in order that each district may be commanded by one officer, who would have the general direction of the regulars and militia within the district; but the plan contemplated that the power of the President to call out this militia should be restricted to assembling the militia of each State within its own territorial limits.

With regard to the 17th article, the same difficulty which presented itself to the committee, occurred to me when considering this subject, viz: that provision of the Constitution which restricts the power of Congress over the militia to organizing, arming, and disciplining them, reserving to the States respectively the appointment of officers, and the authority of training the militia according to the discipline prescribed by Congress. Although the word "disciplining" is susceptible of a different interpretation from that given to it here, yet the subsequent reservation to the States of the power to train the militia according to the system of discipline adopted by Congress would seem to define its meaning; and as we cannot be too scrupulous in our interpretation of the Constitution, I propose that, in the event of its becoming necessary to resort to draughts in order to fill the ranks of the active class of militia, to apply to the States to place by law their contingents at the disposition of the General Government, for a period not more than thirty days of every year, for the purpose of their being trained in conjunction with regular troops, and by veteran officers. It is not probable that this co-operation will be withheld by any State when the advantages are presented to it of possessing a body of well-organized, well-armed, and well-disciplined militia, without any expense either to the States or to the citizens thereof; and when they are made aware that it is the intention of the Government to assemble such militia at conve-

nient points within each State, and in the vicinity of depots of arms, which it is proposed to establish as part of the system.

I am, however, led to believe, from the character of our fellow-citizens, and from circumstances which have come to my knowledge, that it will scarcely be necessary to resort to militia draughts in order to fill the ranks of the active class. The volunteer corps have generally evinced so much eagerness to avail themselves of the advantages to be derived from an association with regulars, and so much zeal and proper feeling, by proffering their services on all occasions when they might be useful, that I cannot doubt, if the President were authorized to receive them into the service of the United States, a sufficient body of volunteers within the prescribed age might be enrolled, and the necessity for draughts altogether avoided. I propose, therefore, that this authority be granted; but restricted so as to limit the time, even of voluntary service, to a period not exceeding thirty days in each year. Aware, however, of the importance and comprehensiveness of this subject, together with the many difficulties which surround it, it is by no means my desire to precipitate the action of Congress upon a question of such magnitude and consequence. Subsequent reflection and discussion have but strengthened my conviction of the propriety, practicability, and expediency, of the proposed plan in its essential features, which I am persuaded have but to be examined with a candid mind and patriotic feelings, to secure general approbation. But these very considerations make it but the more imperative that it should receive the fullest and most mature consideration, even should this have the effect of preventing final action upon it, at the present session of Congress. It is, perhaps, universally proper that questions, involving, in a high degree, the great interests of the people, should be subjected to popular, as well as legislative investigation. An ordeal to which the system proposed will be most cheerfully submitted. If, on maturer deliberation, there be any thing found in the system itself, or in its details, which conflicts with the rights of the States, or with the interests of our fellow-citizens, the objectionable parts may be amended or expunged, or the whole system altered or abandoned.

If the committee should be of opinion that the situation of the country requires the adoption of some immediate measures to render the militia force more available for defence than it now is, it is respectfully suggested that the plan submitted by the Department of War last year and the year before, would not only prove efficient, but would test the practicability of the measure now proposed.

That plan contemplated authorizing the President to receive into the service for a giving number of days in the year, volunteers to the amount of —— men, at such points as he may designate, for the purpose of being trained and disciplined, and made acquainted with the duties they would have to perform at the stations they might be required to defend in the event of any sudden emergency. At this moment the most important of our naval stations and most valuable cities are exposed to be destroyed or taken, although there are brave men enough to defend them; but who require previous concert and more perfect training, to render them efficient.

I am, sir, very respectfully, your obedient servant,

J. R. POINSETT.

Hon. G. M. Keim,
Chairman of the Committee of the Militia, H. R.